

X computes his gross margin for the quarter according to the formula contained in § 150.303(b):

$$\text{Gross Margin} = \frac{\text{Revenues or Cost} - \text{Revenues—Cost}}{\text{Revenues—Cost}} \times 100$$

In computing his total sales revenues, X must combine the monetary remuneration he has received for the automobiles sold with the N.A.D.A. Official Used Car Guide trade-in value of each used automobile or truck he accepted in part payment for a new automobile. For example, X sold an Impala for \$3,500 in cash plus a trade-in allowance on the purchaser's used car (a 1969 Nova, 6-cylinder, 2-door coupe with power steering and factory air-conditioning and average mileage) of \$700. For the purposes of Subpart K, X's revenues on the sale of this car is not \$4,200, but rather \$4,500. This is computed as follows:

Cash:	Trade-in Value
\$3,500:	
Average Trade-in.....	\$950
Add Power Steering.....	25
Add Factory Air-conditioning.....	25
Total N.A.D.A. Official Used Car.....	
Trade-in Value.....	\$1,000

[FR Doc.73-25004 Filed 11-21-73; 10:28 am]

[Phase IV Price Ruling 1973-13]

PRENOTIFICATION BY NEW TIER I FIRMS AND BY FIRMS WHICH CHANGE TIER STATUS

Phase IV Price Ruling

Facts. Company A, a firm which operates on a calendar year basis, completed 1972 with annual sales and revenues of \$90 million. In October, 1973, the firm increases the rate of its annual sales and revenues from \$90 million to \$120 million and completes the year with annual sales or revenues of \$110 million. Companies B and C, having revenues last year of \$60 million and \$80 million re-

spectively, merge in October 1973. The merged firm D completes the fiscal year on December 31, 1973, with total revenues for 1973 of \$150 million. Company E, a firm with revenues in 1972 of \$130 million, divests itself of Company F, a \$50 million entity, in October of this year. Upon divestiture, Company E becomes Company G, and the firm's restated revenues for both last year and for its fiscal year ending December 31, 1973, were \$80 million.

Issues. (1) When do firms A and D become subject to the prenotification requirements?

(2) Must firm G prenotify until the end of its 1973 fiscal year?

Ruling. Firms A and D do not become subject to the prenotification requirement until fiscal year 1974.

Firm G must continue to prenotify until the end of fiscal year 1973.

Section 150.41 of 6 CFR Chapter I defines a price category I firm as a firm with annual sales or revenues of \$100 million or more. Under § 150.31, annual sales or revenues means the total gross receipts of a firm during its most recently completed fiscal year. Section 150.151 requires price category I firms to prenotify before raising prices above base levels.

Since the definition of annual sales and revenues for purposes of tier determination relates to the annual sales or revenues level in the most recently completed fiscal year, a firm that reaches the price category I level by virtue of growth during the current fiscal year does not have to prenotify until the first day of its next fiscal year. For the same reason, a Tier I firm which drops to the Tier II level by virtue of sales decline in the current year must continue to pre-

notify until the first day of the new fiscal year.

Where two price category II or III firms which merge this year had combined revenues last year of \$100 million or more, the combined firm is a price category I firm on the basis of last year's restated revenues. However, in order to avoid confusion as to the starting date for prenotification in these merger situations, and in order to provide sufficient time for the new firm to organize unified cost and pricing procedures and practices, the Council does not require prenotification until the first day of the firm's next fiscal year. But, in the case of merger of two price category I firms, or the merger of a price category I firm with a smaller firm, prenotification is an established prior practice and no sufficient reason appears why the prenotification requirement should not continue in effect. Therefore, in these merger situations, the prenotification requirement continues in effect without interruption.

In a Tier I divestiture situation, where the restated revenues for last year are less than \$100 million, the prenotification requirement continues until the end of the current fiscal year unless the Council approves in writing a request to discontinue prenotification at an earlier date. This result, like the result in the merger situation, is dictated by administrative considerations such as the need for a date certain for change in prenotification requirements and the need for adequate notification to the Council of change in corporate structure and revenue levels.

WILLIAM N. WALKER,
General Counsel.

NOVEMBER 20, 1973.

[FR Doc.73-25005 Filed 11-21-73; 10:30 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 151]

EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Entry for Petroleum or Petroleum Products in Bulk

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend § 151.41 of the Customs Regulations to require that American Society for Testing and Materials Petroleum Measurement Table No. 6, rather than Table No. 7, be used in computing the information which importers are required to show on the entry for petroleum or petroleum products in bulk.

The United States Customs Service has received a recommendation from the American Petroleum Institute that the use of Table No. 7, ASTM-IP Petroleum Measurement Tables, referred to in section 151.41, Customs Regulations, be discontinued, and that Table No. 6 (of which Table No. 7 is an abridged version) be used instead, in reducing the results of petroleum volume measurements to the standard temperature of 60° Fahrenheit. The use of Table No. 6 yields more precise data, and avoids certain anomalies encountered in the application of Table No. 7.

The American Petroleum Institute points out that virtually all of the major oil companies have adjusted their accounting procedures to accommodate the use of Table No. 6, and that Table No. 6 is used, either exclusively or optionally, by 38 of the States in their regulations pertaining to oil conservation, and/or weights and measures. Customs has also received informal suggestions from individual importers advocating the use of Table No. 6.

Accordingly, it is proposed to amend § 151.41 of the Customs Regulations (19 CFR 151.41) to read as follows:

§ 151.41 Information on entry.

On the entry for petroleum or a petroleum product in bulk, the importer shall show the API gravity at 60° Fahrenheit, in accordance with the ASTM-IP Petroleum Measurement Tables (American Edition), published by the American Society for Testing and Materials. The unabridged Table (Table No. 6) shall be used in the reduction of volume to 60° F. If the exact quantity cannot be determined in advance, entry may be made for "----- United States gallons, more or less." The information required by this section shall also be shown on the permit and summary sheet.

Prior to the adoption of this amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before December 24, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL]

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 13, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the
Treasury.

[FR Doc. 73-24891 Filed 11-21-73; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

ETORPHINE

Transfer to Schedule II

Based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration finds that etorphine hydrochloride:

- (1) Has a high potential for abuse;
- (2) Has a currently accepted medical use in treatment in the United States with severe restrictions; and
- (3) May, if abused, lead to severe psychological or physical dependence.

As a condition to the initiation of distribution of etorphine hydrochloride the Drug Enforcement Administration, in concert with the Food and Drug Administration, the Special Action Office of Drug Abuse Prevention, the American Cyanamid Company (the holder of the New Animal Drug Application) and the D-M Pharmaceuticals, Inc. (the firm marketing the product under the NADA), have promulgated and agreed to the following procedures:

1. The distribution of the drug is restricted to licensed veterinarians engaged in zoo and exotic animal practice, wild life management programs, and/or research.
2. All initial customers will be checked by the Drug Enforcement Administration to in-

sure that they are properly authorized to handle the substances and are prepared to adhere to the special safeguards set forth.

3. DEA order forms for etorphine hydrochloride (and Diprenorphine, its antidote) will contain only these substances. D-M Pharmaceuticals, Inc. will maintain these separately from its other order forms and will forward the government copy of these order forms on a weekly basis to DEA.

4. All registrants desiring to handle etorphine hydrochloride will be required to use a safe or steel cabinet equivalent to a U.S. Government Class V security container.

5. All authorized registrants handling etorphine hydrochloride will be required to maintain complete and accurate records to insure complete accountability of the substance.

6. Quantities ordered and shipped should be limited to reasonable amounts as needed to avoid storage of large quantities and increased vulnerability of theft.

7. The shipment of etorphine hydrochloride should be under secure conditions using substantial packaging material with no markings on the outside of the package which would indicate the content. Shipment should be by the most secure means of transport available.

Except for etorphine hydrochloride, all isomers, esters, ethers, salts of etorphine, and salts of such isomers, esters, and ethers (whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation) remain in Schedule I. The peculiar characteristics of this substance necessitate the transfer to Schedule II of the hydrochloride salt only.

On July 3, 1973 (38 FR 17717), the Administrator of the Drug Enforcement Administration ordered that 21 CFR 1308.11(c) be amended by adding a new item, Drotebanol. The proposed amendment to § 1308.11(c) would renumber the items therein to place Drotebanol in alphabetical order with the other controlled substances.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention & Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator proposes that:

a. Section 1308.11 of 21 CFR be amended by revising paragraph (c) (9)-(23) to read:

§ 1308.11 Schedule I

- | | |
|--|------|
| (c) | |
| (9) Drotebanol | 9335 |
| (10) Etorphine (except hydrochloride salt) | 9056 |
| (11) Heroin | 9200 |
| (12) Hydromorphanol | 9301 |

(13) Methyldesorphine	9302
(14) Methyldihydromorphine	9304
(15) Morphine methylbromide	9305
(16) Morphine methysulfonate	9306
(17) Morphine-N-Oxide	9307
(18) Myrophine	9308
(19) Nicocodine	9309
(20) Nicomorphine	9312
(21) Normorphine	9313
(22) Pholcodine	9314
(23) Thebacon	9315

b. Section 1308.12 of 21 CFR be amended by revising (b)(1) to read:

§ 1308.12 Schedule II

(b)

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium of opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium	9600
(ii) Opium extracts	9610
(iii) Opium fluid extracts	9620
(iv) Powdered opium	9639
(v) Granulated opium	9640
(vi) Tincture of opium	9630
(vii) Apomorphine	9030
(viii) Codeine	9050
(ix) Ethylmorphine	9190
(x) Etorphine hydrochloride	9059
(xi) Hydrocodone	9193
(xii) Hydromorphone	9194
(xiii) Metopon	9280
(xiv) Morphine	9300
(xv) Oxycodone	9143
(xvi) Oxymorphone	9652
(xvii) Thebaine	9333

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received no later than December 20, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail held at the time and place set forth in the letter. A notice of hearing will simultaneously be published in the FEDERAL REGISTER. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: November 15, 1973.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc. 73-24920 Filed 11-21-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 421]

HOOVER DAM

Rules of Conduct

The Bureau of Reclamation is proposing to add a new Part 421 to 43 CFR, Chapter I, Subchapter B. The new part will promulgate regulations governing conduct on the facilities and grounds of Hoover Dam, located on the Colorado River in Arizona and Nevada.

Under authority of the Act of June 1, 1948 (62 Stat. 281, as amended; 40 U.S.C. 318), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the Administrator of General Services has authorized the Secretary of the Interior to: (1) Appoint uniformed guards as special policemen to assist in visitor control and protection of Government property at Hoover Dam; and (2) make all needful rules and regulations for the protection of persons and property at Hoover Dam and annex such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement (38 FR 23838). The Secretary of the Interior has redelegated this authority to the Commissioner of Reclamation (38 FR 27945).

Hoover Dam is a major tourist attraction, with more than 600,000 visitors annually. It represents an investment of over \$175 million, provides an important source of hydroelectric power for the Arizona-Nevada-Southern California area, and controls the flow of the lower Colorado River. The proposed regulations will be applicable to all structures, buildings, and grounds at Hoover Dam which are situated on lands over which the United States has concurrent legislative jurisdiction, and to all persons while in or on such property.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Commissioner of Reclamation, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240; or to the Regional Director, Lower Colorado Region, Box 427, Boulder City, Nevada 89005. All such submissions received on or before January 7, 1973.

Dated November 16, 1973.

E. F. SULLIVAN,
Acting Commissioner
of Reclamation.

PART 421—RULES OF CONDUCT AT
HOOVER DAM

Sec.	
421.1	Applicability.
421.2	Preservation of property.
421.3	Conformity with signs and emergency directions.

Sec.	
421.4	Disturbances.
421.5	Vehicular and pedestrian traffic.
421.6	Gambling.
421.7	Alcoholic beverages and narcotics.
421.8	Soliciting, vending, and advertising.
421.9	Distribution of handbills.
421.10	Weapons and explosives.
421.11	Audio devices.
421.12	Abandoned and unattended property.
421.13	Closing of areas.
421.14	Nondiscrimination.
421.15	Penalties and other laws.

AUTHORITY: 62 Stat. 281, as amended (40 U.S.C. 318; 63 Stat. 377, as amended; 38 FR 23838 and 38 FR 27945).

§ 421.1 Applicability.

These rules and regulations apply to Hoover Dam and all structures, buildings, and grounds appurtenant thereto which are situated on lands over which the United States has concurrent legislative jurisdiction, and to all persons entering in or on such property.

§ 421.2 Preservation of property.

The following are prohibited: the improper disposal of rubbish; the creation of any hazard to persons or things; the throwing of articles of any kind from the roadway, walks, or guardrails across the top of the dam, from the parking areas or visitor observation points, or from any other structure or building; the climbing upon the guardrails of the dam or upon the roof or any part of any building or structure; and the willful destruction, damage, or removal of property or any part thereof.

§ 421.3 Conformity with signs and emergency directions.

Official signs of a prohibitory or directory nature and the directions of uniformed police officers shall be complied with.

§ 421.4 Disturbances.

The following conduct is prohibited: that which is disorderly; which creates loud and unusual noise; which obstructs the usual use of roadways, parking lots, observation points, entrances, foyers, corridors, walkways, elevators, stairways, offices, and other work areas; which otherwise tends to impede or disturb the general public in viewing the property or obtaining the services available thereon; or which tends to impede or disturb public or contractor employees in the performance of their duties.

§ 421.5 Vehicular and pedestrian traffic.

(a) Vehicle operators shall drive in a careful and safe manner at all times and shall comply with the signals and directions of uniformed police officers and all posted traffic signs.

(b) Vehicles shall not block entrances, driveways, walks, loading platforms, or fire hydrants.

(c) Vehicles shall not be parked in unauthorized locations, in locations reserved for specific uses, continuously in excess of 25 hours without permission, or contrary to the direction of posted signs (see 43 CFR 421.12), or contrary to the direction of uniformed police officers.

(d) Pedestrians shall use the walkways on the dam and designated crosswalks, and shall not walk in the vehicle lanes.

This paragraph may be supplemented from time to time by the issuance and posting of specific traffic directives as may be required and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 421.6 Gambling.

Participating in games for money or other personal property, the operation of gambling devices, the conduct of lottery or pool, and the selling or purchasing of numbers tickets are prohibited.

§ 421.7 Alcoholic beverages and narcotics.

Operating a motor vehicle on property by a person under influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. Entering property under the influence of any narcotic drug, hallucinogen, marijuana, barbiturate, amphetamine, or alcoholic beverage is prohibited (unless prescribed by a physician). The use or possession of any narcotic drug, hallucinogen, marijuana, barbiturate, amphetamine, or alcoholic beverage on property is prohibited (unless prescribed by a physician).

§ 421.8 Soliciting, vending, advertising, and distribution of handbills.

All soliciting, vending, or advertising is prohibited. The distribution of material such as handbills, pamphlets, and flyers is prohibited. This rule does not apply to national or local drives for funds for welfare, health and other purposes sponsored or approved by the Bureau of Reclamation.

§ 421.9 Photography and motion pictures.

Photographs may be taken in or from any area open to the public. Use of photographic equipment in any manner or from any position which may create a hazard to persons or property is prohibited. Written permission by the Bureau of Reclamation is required for the filming of any professional or commercial motion or sound pictures except by bona fide newsreel and news television photographers and soundmen. Cameras and other equipment carried on guided tours within the dam and powerplant are subject to inspection.

§ 421.10 Weapons and explosives.

The carrying of firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes, is prohibited.

§ 421.11 Audio devices.

The operation or use of a public address system is prohibited, except when specifically authorized by the Bureau of Reclamation.

§ 421.12 Abandoned and unattended property.

(a) Abandonment of any vehicle or other personal property is prohibited, and such property may be impounded by the Bureau of Reclamation.

(b) Leaving any vehicle or other personal property unattended for longer than 25 hours, without prior permission

of the Bureau of Reclamation, is prohibited and such property may be impounded by the Bureau of Reclamation. In the event unattended property interferes with the safe and orderly management of the Hoover Dam facilities, it may be impounded by the Bureau of Reclamation at any time.

§ 421.13 Closing of areas.

The Project Manager may establish a reasonable schedule of visiting hours for all or portions of the area. He may close or restrict the public use of all or any portion of the property when necessary for protection of the property or the safety and welfare of persons. All persons shall obey signs designating closed areas and visiting hours.

§ 421.14 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any persons because of race, color, religion, sex, or national origin in furnishing or refusing to furnish the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided.

§ 421.15 Penalties and other laws.

Whoever shall be found guilty of violating these rules and regulations while on property over which the United States exercises exclusive or concurrent legislative jurisdiction, is subject to fine of not to exceed \$50 or imprisonment of not more than 30 days; or both (see U.S.C. 318c). Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations, or any State or local laws and regulations, applicable to any area in which property is situated.

[FR Doc. 73-24860 Filed 11-21-73; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SUPPLEMENT TO APPROVED NEW JERSEY PLAN

Revised Developmental Schedule

1. *Background.* Part 1953, Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12-71, 36 FR 8754, May 12, 1971) will review changes in a State plan which has been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2426) of the approval of the New Jersey Plan and the adoption of Subpart H to Part 1952 containing this decision.

Section 1952.143 of Subpart H sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following com-

mencement of the plan's operations. By letter dated August 14, 1973, from Ronald M. Heyman, Commissioner of the Department of Labor and Industry of the State of New Jersey, to John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, incorporated as part of the plan, the State has submitted a supplement to the plan containing a revised developmental schedule. By letter of October 19, 1973, from William J. Clark, Director, Division of Workplace Standards to Jay Arnoldus, Project Officer, Occupational Safety and Health Administration, this schedule has been further revised. The revised schedule provides for consideration of enabling legislation during November 1973, with passage anticipated in December 1973. Pursuant to 29 CFR 1953.11 (d) (1) preliminary examination discloses no cause for rejecting this supplement and its approval is under consideration.

2. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; and the Office of the Assistant Commissioner of Labor Relations and Workplace Standards of the Department of Labor and Industry of the State of New Jersey, Room 1301, John Fitch Plaza, Trenton, New Jersey 08625.

3. *Public participation.* Interested persons are hereby given until December 24, 1973, in which to submit written data, views, and arguments concerning the supplement. Such data, views, and arguments should discuss whether, in the context of the entire plan, there are reasonable expectations that the plan will meet the requirements of the Act and the criteria in Part 1902 within the three year developmental period. General comments unrelated to the revised developmental schedule are not appropriate. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210, and will be available for inspection and copying at this address.

Any interested person(s) may request an informal hearing concerning the proposed supplements; whenever particularized written objections thereto are filed within the time allowed for comments specified above. If, in the opinion of the Assistant Secretary, substantial objections which warrant further public discussion are filed, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall thereafter consider all relevant comments and arguments and issue his decision as to approval or disapproval of the supplement and proposed amendment of Subpart H and its effect on the continued approval of the plan.